

Meeting Minutes November 6, 2003

Town of Los Altos Hills City Council Regular Meeting

Thursday, November 6, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick and Councilmember Warshawsky

Absent: Councilmember Kerr

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

Press: Tim Seyfert, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

None

3. PLANNING COMMISSION REPORT

None

4. CONSENT CALENDAR

Item Removed: Item 4.1 Minutes of the City Council Special Meeting of October 16, 2003 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar, specifically;

4.1 Approval of Minutes: City Council Special Meeting/Budget Study Session
October 16, 2003

4.2 Review of Disbursements: 10/09/2003 – 10/28/2003 \$464,934.99

- 4.3 Notification of Fast Track Approval: A Request for a Site Development Permit for a New Residence; Lands of Scarampi, 25550 Moody Road (158-02-ZP-SD-GD)
- 4.4 Acceptance of Grant of Conservation Easement: Lands of Wang, 28100 Laura Court Reso # 80-03
- 4.5 Approval of a Lot Line Adjustment: Lands of Oskouy and Nevens, 24143 Hillview Road and 24142 Summerhill Avenue
- 4.6 Approval of Public Facilities Fee Program Annual Report
- 4.7 Approval of Agreement with the Supporters of Westwind Community Barn
- 4.8 Approval of Quaterly Interest Rates Report
- 4.9 Notification of Fast Track Approval: A request for a Site Development Permit for a New Residence; Lands of Blech, 25551 Burke Lane (137-03-ZP-SD-GD)
- 4.10 Resolution Honoring Foothill - DeAnza College District Chancellor Martha J. Kanter Reso# 81-03

Items Removed:

- 4.1 Approval of Minutes: City Council Special Meeting October 16, 2003

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Fenwick and passed unanimously to approve the minutes of the October 16, 2003 City Council Special Meeting as amended with the following correction: page 11, Passed By Consensus: ... “during the joint study session with the City Council on November 11, 2003” should read “during the joint study session with the City Council on November 17, 2003”.

5. UNFINISHED BUSINESS

5.1 Update on Mayor’s Goals

5.1.1 New Town Hall – Status Report

Councilmember Warshawsky reported that the New Town Hall Subcommittees have been meeting and will be advising the New Town Hall Committee of their progress at the next scheduled meeting of November 10, 2003.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the R.W. Beck engineers have met with the Undergrounding Subcommittee and just completed their site visit of the Town. Their final report is expected in December, 2003.

5.1.3 Master Pathway Map – Status Report

Dot Schreiner, Saddle Mountain Drive, reported that the map group is continuing their review of recorded documents including grant deeds. She noted that they have hit an impasse in collecting information from grant deeds and may have to continue their research using County records.

Schreiner noted that the group has met with the Pathway Committee and Chair Chris Vargas to discuss the process that will be required to move forward on the revision of the Path Map. She is preparing an informational packet for the Committee that will include the latest revised map, the Circulation Element and Pathway Element of the Town's General Plan, all information that has been compiled by Les Earnest on private roads, and trail materials from Portola Valley.

Schreiner thanked the Town staff for their support and efforts during this lengthy review process.

Councilmember Warshawsky reported that the Pathway Committee is working diligently to establish a map revision process. They will be scheduling special meetings in addition to their regularly scheduled monthly meeting to accommodate this ambitious project.

5.1.4 Storm Water Master Plan – Status Report

City Engineer/Director of Public Works Cheng reported that the report was in progress.

5.1.5 Visit to China to Explore Business Opportunities –Postponed for Discussion in Spring 2004

6. NEW BUSINESS

6.1 Councilmember Appointment to the Santa Clara Valley Transportation Authority (VTA) Policy Advisory Board

Mayor Cheng explained that due to Councilmember Kerr's absence at tonight's meeting, she had discussed this item with him previously and he would be favorable to the appointment.

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Warshawsky and passed unanimously to appoint Councilmember Kerr to the Santa Clara Valley Transportation Authority Policy Advisory Board as the representative for the Town of Los Altos Hills.

6.2 Consideration of Participation in the Countywide Plan for Coordinating Spontaneous Volunteers

City Manager Maureen Cassingham introduced the item to Council. She explained that Council had before them a proposed Memorandum of Understanding between the Town of Los Altos Hills and the Volunteer Center of Silicon Valley. The program will permit the Town to use the Center's resources, at no cost to the Town, to share responsibility for

the management of spontaneous volunteers in the event of a disaster. They will assist to identify, register and train spontaneous volunteers. This has been presented to other cities in the County and they have acted in acceptance of the memorandum of understanding. In addition, it was presented to the Town's Emergency Preparedness Committee and they have endorsed the program.

Cassingham added that the program would allow the Town to take a pro-active position by identifying volunteers before a disaster, expanding the resource base of volunteers who may want to assist in a disaster, and providing limited training.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to approve the Memorandum of Understanding between the Town of Los Altos Hills and the Volunteer Center of Silicon Valley to permit the Town to participate in the Countywide Plan for Coordinating Spontaneous Volunteers.

6.3 Discussion of Cancellation and Rescheduling of the January 1, 2004 City Council Regular Meeting

City Manager Cassingham reported that the first regular City Council Meeting in January, 2004 falls on New Year's Day, January 1, 2004. Per the Town's Municipal Code, when a meeting falls on a legal holiday, the meeting is scheduled for the next business day unless it is cancelled by the City Council. Cassingham noted that the option to forgo the meeting and schedule any Council business for the January 15, 2004 meeting is very viable. Should any urgent matters arise that would require Council consideration before this date, a special Council meeting could be called.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to cancel the January 1, 2004 City Council Meeting.

6.4 Approval of the Los Altos Hills Pavement Management Program Report

City Engineer/Director of Public Works Mintze Cheng introduced this item to Council. She explained that for the Town to receive any Federal, State or Measure B funding for street work, it is mandated that the Town have a street management program. The Town has been utilizing the Metropolitan Transportation Commission approved Pavement Management Program to effectively evaluate and manage the Town's streets and roads and assess the pavement funding needs. Cheng proceeded with a power point presentation of the Pavement Management Program (PMP). It identified what the program is, what the Pavement Condition Index is and how it is used and different pavement scenarios.

- The PMP is a computer database program that assists the Town in managing the paved streets; it provides a current inventory of all public roadways; evaluates current pavement conditions; projects a listing of all pavement needing maintenance rehabilitation or reconstruction; assists the Town in prioritizing the streets for repairs; and forecasts budget needs for maintenance, rehabilitation or reconstruction.

- The Programs goal is to keep the streets that are in good condition from deteriorating; finding a cost-effective combination of treatments to apply to extend the life of the street; provide/maintain a comprehensive database of the Town's streets; determine the impact of budget decisions on future pavement conditions; determine

budget needs, revenue and shortfalls to maintain the pavement network; and improve the pavements that are in poor condition.

- Pavement Condition Index (PCI) is a calculated value that is determined after the street segment is surveyed. Survey includes the area of the street segment, type and the size of defect. Streets receive ratings from 100 (excellent)-0 (failed). Range of 70-85 is considered very good. Based on the condition, a cost effective maintenance treatment is assigned.

- Treatments include: crack sealing, slurry seal, thin/thick overlay and reconstruction.

Cheng noted that the Town has 53.5 miles of paved surfaces. The total network has a current PCI rating of 72. \$500,000 is currently budgeted for street maintenance for Fiscal Year 2003-2004. Projected over the next five years at this budgeted level, the streets would have a PCI of 76 and the deferred maintenance cost would be \$1,642,547. If the recommended PCI Funding level of \$700,000 was maintained for the next five years, the streets would have a combined rating of 79 and the deferred maintenance cost would be \$768, 139.

Cheng concluded by noting that ultimately it is the City Council that sets the funding level and the Town's PCI goal for its street network.

OPENED PUBLIC HEARING

Dot Schreiner, Saddle Mountain Drive, asked if there was a program in place that would require owners of private streets to maintain their roads.

Planning Director Carl Cahill explained that when projects are submitted for development, the applicant is often required to make street improvements.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to receive and file the Town of Los Altos Hills Pavement Management Program update.

6.5 Gigli Court Erosion Control Project

City Engineer/Public Works Director Mintze Cheng summarized this item for Council. In 1981, the City Council accepted the dedication of Gigli Court along with certain easements as part of a 6-lot subdivision. As part of the subdivision improvements, a 24" reinforced concrete pipe was installed in a 20-foot wide public utility easement at 12390 Gigli Court. The last section of the pipe daylights into a headwall and energy dissipater and the headwall has deteriorated beyond repair. This project is to remove the deteriorating section and repair the headwall and place rip rap at the down spout of the storm drain. The rip rap swale will act as an energy dissipater and should provide sufficient erosion control measure to address any problem of further erosion. Because the storm drain is located within a Public Utility Easement, the repair is the responsibility of the Town.

Staff estimates that the total project cost is approximately \$65,000. Cheng noted that the approved FY 03-04 Storm Drain Master Plan Projects has sufficient funds to fund this contract.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adopt the resolution awarding a contract for the Rip Rap Dissipater Project at Gigli Court to Stoloski and Gonzales for the amount of \$60,750. Reso# 82-03

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported that he had attended the Emergency Communications Committee meeting. Fifteen members were in attendance as well as the Planning Director Carl Cahill.

8. STAFF REPORTS

8.1 City Manager

8.1.1 Report on City Council Meeting Agenda Procedures and Agenda Management

City Manager Cassingham summarized her staff report for Council. She explained that her report included the applicable Town code sections that regulate the agenda development, timelines that the City Clerk and City Manager are under in terms of constraints for packet production and previously adopted Council policy on Council Initiated agenda items. Cassingham noted that a prospective or roll-forward agenda was also included for Council's information. It is a tool that is used by staff for the timely scheduling of matters for Council action and managing the Council-staff workload associated with those matters.

Cassingham explained that the agenda production deadline established by the Town's Code is adhered to except in cases of emergency or urgent Town business which becomes known after the agenda deadline. These requirements are intended to effectively and legally set the stage for Council action on the public's business by using a process that has integrity, orderliness and timeliness.

PASSED BY CONSENSUS: To receive and file this report and to make no changes to the existing Town Code or Council policy that pertains to meeting agenda and agenda procedures.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Mayoral Rotation Policy and Procedure – Mayor Cheng

Mayor Cheng had requested this item be considered by Council. She explained that an adopted procedure policy would assist in making the transition run smoothly.

Mayor Pro Tem O'Malley expressed his support for the Mayor's position to establish a formal policy for the Council succession to Mayor and Mayor Pro Tem. He noted that this would not be binding to future Councils.

Mayor Cheng explained that most Cities have a procedure in place for the selection of Mayor. This keeps the relationship among Councilmembers nonpolitical and a rotation policy would be very positive.

City Attorney Mattas explained that General Law Cities have a five member Council, Charter Cities usually have a larger Council and establish their own number of Council seats. The only option available to General Law Cities is an elected Mayor or a rotation by formula or other method. A vote of the people would be required to change to an elected Mayor, who could serve a two or four year term. An elected mayor would be empowered to make recommendations for appointments with the consent of the Council, now the Council as a whole makes appointments. The elected Mayor would also have some additional signatory authority.

Mattas explained that he had forwarded to Council the policy that is used by South San Francisco for the rotation of Mayor and Vice-Mayor. He offered to articulate the criteria that had been discussed this evening for a policy and to bring back the model used by South San Francisco showing how the rotation would work were it to be implemented by the Town.

Council discussion ensued.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to continue this item for discussion before the full Council.

9.2 Discussion of Proposal to Grant Pathway Easement for Wildflower-Newbridge Connection – Councilmember Warshawsky

Councilmember Warshawsky explained that he requested this item be placed on the agenda for Council discussion. He summarized the item, noting that the pathway easement on Wildflower Court is a critical link that presently is covered with foliage and possibly a driveway. The Pathway Committee is attempting to ensure that the pathway link has an easement attached. A resident has suggested that we move the easement by 5 feet so that it will run on his driveway instead of removing all of the vegetation. Warshawsky suggested that it was appropriate to direct staff to investigate the situation and report back to Council with their findings.

Ginger Summit, Pathway Co-Chair, noted that this is an excellent small link that is part of the system behind Bullis School. It is heavily used by neighbors and children. The existing easement is between two driveways. One of the residences has landscaped the easement, the other residence was just recently built and a path has been constructed going down the side of the property. When a retaining wall was constructed by the resident, he was informed by the Town that it would have to be removed at his expense

because it was built over a drainage swale. The resident has a verbal agreement with the Town that the path can be located on his driveway, but it has never been put into writing or accepted by the Town. The property is now up for sale, and the Pathway Committee is concerned that with a possible change of ownership, this link will be lost. Summit stated that the Pathways Committee feels a new survey is necessary to have the new easement formally dedicated and recorded and they are offering to have it paid for from the Pathways Committee's budgeted funds.

Mayor Pro Tem O'Malley voiced his concern that this could set a precedent of the Town paying for something that is the responsibility of the resident.

Dot Schreiner, Saddle Mountain Drive, explained that the Town has a five foot easement on both properties. She is concerned that the Town will set a precedent by paying for the survey and moving an easement from a property. In the past, when an easement has been landscaped, the Town has required that landscaping be removed from the pathway by the owner.

Council concurred that they needed more information to make a decision on this matter and would like to visit the site.

PASSED BY CONSENSUS: To direct staff to investigate and report back to Council at their next regularly scheduled meeting.

10. PRESENTATIONS FROM THE FLOOR

OPENED PUBLIC COMMENTS

CLOSED PUBLIC COMMENTS

11. PUBLIC HEARINGS

Mayor Cheng announced for the benefit of the public in attendance for Public Hearing Item 11.3, that it would be continued to a future City Council meeting at the request of the applicant.

- 11.1 Request for a Site Development Permit and Conditional Use Permit for the installation and operation of a Micro Cell box with two (2) antennas on an existing 43'-8" utility pole; Lands of Cingular Wireless/Lands of Los Altos Hills. Public Right of Way; Utility Pole on corner of Stonebrook Drive between Oak Knoll Circle and Kate Drive (191-03-ZP-SD-CUP)

Planning Director Cahill introduced this item to Council. He reported that the Planning Commission had considered this proposal and voted to recommend that the City Council approve the requested Site Development Permit and Conditional Use Permit with the deletion of condition of approval #7. Cahill explained that the Town could not legally require a leasing agreement for use of the pole from Cingular Wireless. Cahill added that the neighbors are in favor of the project and the utility will be required to accept responsibility for their utility should the Town proceed with a project to underground overhead utility poles.

OPENED PUBLIC HEARING

Zachary Carter, Cingular Wireless representative, explained that the cell site is very small and is directed to serve the Kate Drive neighborhood. The project is expected to be completed by the end of the year.

CLOSED PUBLIC HEARING

Councilmember Fenwick commented that it was refreshing to see neighbors in favor of a cell equipment site.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the requested Site Development Permit and Conditional Use Permit for Cingular Wireless Communications Facility at the Stonebrook Drive Utility Pole subject to the conditions of approval with the deletion of condition #7.

11.2 Approval of Revised Schedule for Fees, Deposits, Charges for Services and Other Assessments.

Administrative Services Director Sarah Joiner introduced this item to Council. She explained that Council had before them a request to review and approve a revised schedule of "Fees, Deposits, Charges for Service, and Other Assessments." At their June 19, 2003 meeting, Council directed staff to revise the fees for planning and building services to be set at a rate that will fully recover costs. It was recommended by Matrix Consulting Group, who had been contracted to provide an analysis and review of the Planning and Building Departments, that the Town use the building valuation suggested by the International Codes Council. This is a standard and customary method of computing fees.

In response to Matrix's recommendations, staff is recommending an increase in the building valuation used to compute building-related permit fees from the current level of \$90 per square foot of habitable space to \$107 per square foot. In addition, staff recommends that fees for planning and engineering services be increased by 2.6%, the amount of the increase in the Consumer Price Index (CPI) for the first half of 2003.

Staff predicts that by enacting the new fee schedule it will decrease the gap between revenues and expenditures and reduce the subsidy of recoverable building, planning and engineering expenditures by approximately \$70,000.

Councilmember Warshawsky asked if these changes were implemented would the Town still be running at a deficit?

Joiner explained that this would be true. The reason that the CPI index had been chosen as a tool for measuring the increase adjustment is that it is a rationale, consistent and supportable figure. It is widely used in municipal financing and the Town's fees must be supported. Joiner added that the shortfall is an estimate and if the building permits were to increase or spending decrease, this would help to close the gap.

OPENED PUBLIC COMMENT
CLOSED PUBLIC COMMENT

Mayor Pro Tem O'Malley noted that the Town reduced fees significantly two years ago as required by the State to a "break even level". This adjustment is fair and appropriate. He had requested Joiner compare building permit numbers to previous years, and was surprised to learn that there did not appear to be much of a decline.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the revised Schedule for Fees, Deposits and Charges for Services and Other Assessments. Reso# 83-03

- 11.3 Request for a Conservation Easement Agreement with exceptions to allow for any structure or use, which would not otherwise violate the provisions of the Zoning Law of the Town, in certain areas of the existing Conservation Easement; Lands of Kerns, 11888 Francemont Drive (Upper Parcel)
(File #130-03-ZP-SD)

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by O'Malley and passed unanimously to continue this item as requested by the applicant to the Regular City Council Meeting of November 20, 2003

Council adjourned to Closed Session at 7:45 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -
Property: – APN 182-19-011

Agency Negotiators: Maureen Cassingham and Mayor Pro Tem O'Malley
Negotiating Parties: Town of Los Altos Hills and Friends of Westwind, Inc.
Under Negotiation: Terms and Conditions related to Lease of Property

Councilmember Warshawsky excused himself from the Closed Session on the Barn Lease at 8:28 p.m. due to a possible conflict because of the proximity of his residence to Westwind Barn.

The City Council reconvened to the Special City Council Meeting at 8:36 p.m.

The City Council provided direction to staff and no action was taken.

13. ADJOURNMENT

There being no further business the Regular City Council Meeting of November 6, 2003 was adjourned at 8:37 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the Regular City Council Meeting of November 6, 2003 were approved at the Regular City Council Meeting of November 20, 2003.